

REMARKS

Preliminary Matters

Claims 1-12 are all the claims pending in the application. By this Amendment, Applicants are amending claims 1 and 8 to further define the invention. Applicants are also adding claims 13-15. Applicants respectfully submit that no new matter is added.

Applicants thank the Examiner for acknowledging the claim to foreign priority made under 35 U.S.C. § 119(a)-(d) or (f). Applicants also thank the Examiner for considering all of the references cited in the Information Disclosure Statement filed on September 26, 2005. Lastly, Applicants thank the Examiner for entering the preliminary amendment filed on November 15, 2006.

Specification

The Examiner objects to the abstract of the disclosure because it includes legal terms of art. Applicants are providing a new abstract.

Drawings

The Examiner objects to the drawings because they allegedly fail to comply with 37 C.F.R. 1.84(p)(4). Specifically, the Examiner alleges that reference character “6” has been used to designate both a “receptacle” and a “fastening ring.” Applicants are submitting an amended Figure 1 so that the receptacle is designated by reference character “16.”

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-12 under 35 U.S.C. § 102(b) as allegedly being anticipated by Schuckmann (DE 93 02 196).

In rejecting claims 1-12, the grounds of rejection state:

Regarding claims 1 and 2, Schuckmann discloses a dispenser including a first fluid dispenser member associated with a first fluid reservoir, wherein the first member includes a first actuating rod mounted to move along the rod axis between a rest position and an actuated position. Schuckmann further discloses a second fluid dispenser member associated with a second fluid reservoir, wherein the second member includes a second actuating rod mounted to move along a second rod axis between a rest position and an actuated position. Schuckmann additionally discloses that the first and second rod axes coincide (see marked-up figures 11 and 14).

Schuckmann additionally discloses the first rod having a free end pointing in a first direction and a second rod having a second free end pointing in a second direction, the two members being disposed one relative to the other with the first and second rod axes extending parallel and with the first direction being opposite to the second direction, so that one dispenser member is disposed upside down relative to the other dispensing member (see marked-up figures 11 and 14).

Furthermore, Schuckman discloses the reservoirs to be airless reservoirs with their volumes decreasing as fluid is extracted therefrom. In addition, Schuckmann discloses one of the dispenser members to be provided with a load adjustment spring 12 suitable for modifying the actuation load of one of the dispensing members (see marked-up figure 14 and page 1 of translation).

Office Action at pages 3-5. Applicants respectfully disagree.

First, the Examiner alleges that element 12 of Schuckman is “a load adjustment spring [] suitable for modifying the actuation load of one of the dispensing members.” (See Office Action, page 5.) Element 12, however is a “pump squeezing head.” (See translation of Schuckmann.) The pump squeezing head 12 of Schuckmann acts to vary the volume of the pump chamber and return the chamber volume to its maximum rest volume. Thus, the pump squeezing head 12 of Schuckmann is not the claimed separate “load adjustment spring.”

To clarify this difference, claim 1 is amended to recite that “one of the dispenser members has an internal return spring that urges the actuating rod towards its rest position, said

fluid dispenser being provided with a load adjustment spring (215) suitable for modifying the actuation load of said member so that the stiffness of the adjustment spring is added to the stiffness of the internal return spring.” Since Schuckmann only discloses an element (12), even if this element were characterized to meet the claims requirement for an internal spring, Schuckmann does not disclose the separately recited load adjustment spring. As such, Applicants respectfully request that the Examiner withdraw the rejections of claim 1.

Regarding claims 2-12, these claims depend from independent claim 1. Applicants respectfully submit that these claims are allowable at least by virtue of their dependency from claim 1.

New Claims

For additional claim coverage merited by the scope of the invention, Applicants are adding new claims 13-15. Claim 13 is allowable because the prior art does not disclose at least “wherein the fluid dispenser further comprises a load adjustment spring that increases the load required to actuate the first fluid dispenser member.” Claims 14 and 15 depend from independent claim 13. Applicants respectfully submit that these claims are allowable at least by virtue of their dependency from claim 13.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/550,551

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Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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